

The fee applicant bears the burden of establishing the reasonable time expended as well as a reasonable rate. *Hyatt v. Barnhart*, 315 F.3d 239, 253 (4th Cir. 2002). Although Plaintiff, in his reply, has conceded that 4.4 billable hours that were initially requested are non-compensable, this Court further finds that the 4 hours billed by Plaintiff's attorney on 8/30/2016 for "Research, prepare and file Complaints and Summons" also includes clerical tasks and is an unreasonable amount of time in light of the fact that the Complaint was only two pages in length. Similarly, the Court finds that the 5 hours allocated for "Prepare reply brief" is also excessive in light of the

fact that Plaintiff's response was only two pages in length and did not require additional legal research.

Accordingly, the Court exercises its discretion and reduces the billable hours for those two entries by half, to 2 hours for drafting the Complaint and 2.5 hours for drafting the Response. The total time that will be awarded is thus 16.7 hours. At Plaintiff's attorney's set rate of \$192.68 per hour, the total fees amount to \$3,217.76.

Plaintiff's Motion for Attorney's Fees (Doc. No. 14) is **GRANTED IN PART, DENIED IN PART**, in accordance with the above. Plaintiff's Motion for Reimbursement (Doc. No. 16) is **GRANTED**.

IT IS HEREBY ORDERED that Defendant pay the sum of \$3,217.76 to Plaintiff in costs for attorney's fees, and that Defendant pay the sum of \$400.00 to Plaintiff in costs as reimbursement of Plaintiff's filing fee, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Signed: December 11, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

